

CITY OF ROCHESTER, NEW YORK
Environmental Assessment for the Conversion of a Portion of Genesee Valley
Park under the Land and Water Conservation Fund Act as a Result of the
Brooks Landing Revitalization Project

4.0 IMPACTS

It is a requirement of NEPA that proposed actions by a federal agency that significantly affect the environment are identified. In implementing NEPA, CEQ regulations state that “significantly” as used in NEPA requires considerations of context and intensity (1508.27). CEQ further states that context,

...means that the significance of an action must be analyzed in several contexts such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

The regulations state that intensity “refers to the severity of impact.” The regulations further state that:

The following should be considered in evaluating intensity:

- 1. Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial.*
- 2. The degree to which the proposed action affects public health or safety.*
- 3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*
- 4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.*
- 5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.*
- 6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*
- 7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts. Significance exists if it is reasonable to*

anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

8. *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.*
9. *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.*
10. *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.*

For each impact topic identified in Section 3.1.1, a process for impact assessment was developed based on the directives of Section 4.5(g) of the DO-12 Handbook. The NPS is directed to assess the extent of impacts on park resources as defined by the context, duration, and intensity of the effect. While measurement by quantitative means is useful, it is even more crucial for the public and decision-makers to understand the implications of those impacts in the short and long term, cumulatively, and within context, based on an understanding and interpretation by resource professionals and specialists.

With interpretation, one can ascertain whether impact intensity to a resource is “minor” compared to “major” and what criteria were used to base that conclusion. Potential impacts are described in terms of type (Are the effects beneficial or adverse?), context (Are the effects site-specific, local, or even regional?), duration (Are the effects short-term, or long-term?), and intensity (Are the effects negligible, minor, moderate, or major?).

Each alternative is compared to a baseline to determine the context, duration, and intensity of resource impacts. For purposes of impact analysis, the baseline is the continuation of current management (Alternative 1, the No Action Alternative) projected over the next 10 years. In the absence of quantitative data, best professional judgment was used to determine impacts. In general, the thresholds used come from existing literature, federal and state standards, and consultation with subject matter experts and appropriate agencies.

For the purposes of analysis, the following assumptions are used for all impact topics except where specifically noted:

Short-term impacts: Those impacts occurring in the immediate future (6 to 12 months).

Long-term impacts: Those impacts occurring through the next 10 years.

Direct impacts: Those impacts occurring from the direct use or influence of the alternative.

Indirect impacts: Those impacts occurring from (activity) that indirectly alter a resource or condition. Such impacts occur later in time or farther in distance than the action.

4.0.1 Cumulative Impact

The CEQ regulations (40 CFR 1508.7) require the assessment of “cumulative impacts” which are defined as:

The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions.

In January 1997, the CEQ published a handbook entitled Considering Cumulative Effects Under the National Environmental Policy Act.¹ The introduction to the handbook opens with, “Evidence is increasing that the most devastating environmental effects may result not from the direct effects of a particular action, but from the combination of individually minor effects of multiple actions over time.”

Cumulative impacts are considered for all alternatives, including the no-action alternative. They were determined by combining the direct impacts of the alternatives being considered with other past, present, and reasonably foreseeable future actions. Therefore, it is necessary to identify other ongoing or reasonably foreseeable future projects within the City adjacent to the project area and, if applicable, the surrounding region.

4.1 Impacts on Land

4.1.1 Alternative 1 - No Action

Conversion Parcel

Direct Impacts – The total land surface area at Brooks Landing for this alternative is shown on Table 4-1 and the percentage of the site by slope classification is shown in Table 4-2. There would be no change in these distributions under this alternative. There would be no changes to the land use of the project area under this alternative. There would be a potential, although unlikely, change to land distribution or use at the replacement parcel. There would therefore be a potential for adverse or beneficial impacts to land resources in the project area associated with this alternative.

Indirect Impacts – There are no known indirect impacts to land resources from the alternative.

¹ See <http://ceq.eh.doe.gov/nepa/ccenepa/ccenepa.htm>.

Cumulative Impacts –The Genesee Riverway Trail Project is planned to extend through the replacement parcel. An Environmental Assessment (EA) prepared for that project did not anticipate any impacts on the land resources in the area (Sear-Brown, 2004).

Replacement Parcel

Direct Impacts

There would be no change to the replacement parcel resulting from its designation as 6(f) parkland.

Indirect Impacts

There are no known indirect impacts to land resources from the alternative.

Cumulative Impacts

The Genesee Riverway Trail Project is planned to extend through the replacement parcel. The EA prepared for that project did not anticipate any impacts on the land resources in the area (Sear-Brown, 2004).

4.1.2 Alternative 2 – Brooks Landing Revitalization Project

Conversion Parcel

Direct Impacts - The proposed development at Brooks Landing will maintain the primary topographic site features. Disturbance will be limited to necessary grading, filling, and minor excavation to accommodate the proposed building construction, utility infrastructure, parking areas, and site amenities (see Figure 15). It is anticipated that retaining walls will be incorporated into the final design to compensate for the existing steep slope area along the western boundary.

As shown below, no major excavation will occur for the hotel and restaurant development. The hotel's design and siting is derived from the existing topography. The hotel will be four stories from the parking lot side with an outdoor patio overlooking the river (taking advantage of the higher elevation of the former canal/railroad right-of-way). The parking for the restaurant and hotel will be located between the structures and the higher embankment to the west, effectively screening it from view. The public promenade and new public boat dock will be located where an existing river wall with a sidewalk and railing (Riverway Trail) already occur.

Area to be graded:

- Brooks Landing Hotel and Restaurant Development: 3.5 acres (includes 1.38-acre 6(f) conversion parcel)
- Brooks Landing Public Waterfront and Promenade: This will be a function of the overall site plan and the interface between the hotel development and public development (assumed to be approximately 0.6 acres of 6(f) parkland that will remain parkland).
- South Plymouth Avenue Realignment: Minimal

Volume of cutting:

- Brooks Landing Hotel and Restaurant Development: 5,634 CY estimated.
- Brooks Landing Public Waterfront and Promenade: Overburden dredging of 1,235 CY estimated plus rock removal of 605 CY estimated, total removal of 1,840 CY- based on 175 LF of marginal wharf.
- South Plymouth Avenue Realignment: No significant amounts expected

Volume of fill:

- Brooks Landing Hotel and Restaurant Development: 6,903 CY estimated
- Brooks Landing Public Waterfront and Promenade: No significant amounts expected for landside improvements. 300 CY medium stone fill for bank stabilization under wharf.
- South Plymouth Avenue Realignment: No significant amounts expected

Volume of soil imported:

- Brooks Landing Hotel and Restaurant Development: 10,850 CY estimated.
- Brooks Landing Public Waterfront and Promenade: No significant amounts expected. Dredged material may be used on site in non-structural applications.
- South Plymouth Avenue Realignment: No significant amounts expected

The total land surface area for this alternative is shown in Table 4-1 and the percentage of the site by slope classification is shown in Table 4-2. They are compared with Alternative 1 in the tables to document the change to these distributions under this alternative. In Table 4-1, the impervious area (Buildings plus Parking Areas, Road, Driveways) would increase from 50 percent to approximately 72 percent with the construction of Alternative 2.

Table 4-1: Total Land Surface Area at Brooks Landing

	Alternative 1	Alternative 2
Buildings	42,830 SF	51,300 SF
Parking Areas, Road, Driveways	153,899 SF (3.533A)	230,500 SF
Lawn	116,531 SF (2.675A)	110,009 SF
Brush	31,633 SF (0.726A)	0
Wooded (mature tree cover)	46,916 SF (1.077A)	0
Freshwater Wetland	0	0
Water Body	0	0
Unvegetated (rock, earth fill, paved surface, etc.)	0	0
Total	391,809 SF (~9.0A)	391,809 SF (~9.0A)

Table 4-2: Slope Classification at Brooks Landing

Slope	Alternative 1 No Action	Alternative 2 Preferred
0 – 14%	91.77 %	98 %
15 – 24%	1.31 %	0 %
25 % or over	6.92 %	2 %
Total	100 %	100 %

The most intense impacts would occur to the site during construction when grading, excavation and fill operations take place. Such adverse impacts would be temporary and localized. Impacts from site work would be minimized through Best Management Practices, such as through erosion and sediment control as described under Section 4.2.3.

In Sub-Areas II and III, as the areas have been previously developed, the proposed redevelopments will not result in any physical change to the areas, resulting in a negligible impact.

Indirect Impacts

There are no known indirect impacts to land resources from this alternative.

Cumulative Impacts – The area surrounding Brooks Landing has previously been developed, or is part of Genesee Valley Park West. There are no foreseeable actions that would develop additional areas that are not already developed.

Replacement Parcel

Direct Impacts

There would be no change to the replacement parcel resulting from its designation as 6(f) parkland.

Indirect Impacts

There are no known indirect impacts to land resources from this alternative.

Cumulative Impacts

The Genesee Riverway Trail Project is planned to extend through the replacement parcel. The EA prepared for that project did not anticipate any impacts on the land resources in the area (Sear-Brown, 2004).

4.2 Impacts on Water

4.2.1 Regulations and Policies

NPS Management Policies (NPS, 2001a, Section 4.6.5) direct NPS to manage wetlands in compliance with the Clean Water Act, the Rivers and Harbors Appropriation Act of 1899, and

Executive Order (EO) 11990 "Protection of Wetlands." Director's Order #77-1: Wetland Protection, establishes NPS policies, requirements and standards for implementing EO 11990. Director's Order #77-1 is included in Procedural Manual #77-1: Wetland Protection. These documents direct the NPS to minimize and mitigate the destruction, loss, or degradation of wetlands; preserve, enhance, and restore the natural and beneficial values of wetlands; and avoid direct and indirect support of new construction in wetlands unless there are no practicable alternatives and the proposed action includes all practicable measures to minimize harm to wetlands. Director's Order #77-1 states that the NPS will use "Classification of Wetlands and Deepwater Habitats of the United States" (Cowardin et al., 1979) as the standard for defining, classifying, and inventorying wetlands. It should be noted that this classification system is used by the U.S. Fish and Wildlife Service and is not the same classification system used by the U.S. Army Corps of Engineers commonly used for permitting.

The evaluation of floodplain impacts is performed in accordance with the provisions of Executive Order 11988, Flood Plain Management; 6NYCRR 502, Flood Plain Management Criteria for State Projects; and the National Flood Insurance Program regulations [44 CFR Parts 59 – 68].

The proposed Brooks Landing project and the replacement parcel are located adjacent to or within the 100 year floodplain and the floodway, and are thus defined as potential lateral encroachments. The design of lateral encroachments must comply with EO 11988 and NYCRR Part 502 regulations. EO 11988, dated May 24, 1977, requires each Federal agency, in carrying out its activities, to take action to reduce the risk of flood loss, minimize the impacts of floods, restore and preserve the natural and beneficial values served by floodplains, and evaluate the potential effects of any actions it may take in the floodplain so as to ensure its planning programs reflect considerations of flood hazards and floodplain management.

The NPS has implemented the requirements of EO 11988 in its Director's Order #77-2 (DO #77-2), which applies to all NPS proposed actions that could adversely affect the natural resources and functions of floodplains, or increase flood risks.

New York State's Part 502 regulations are implemented to ensure that the use of State owned lands and the siting, construction, administration and disposition of State-owned and State-financed facilities are conducted in ways that will minimize flood hazards and losses. State and Federal regulations regarding floodplains also cite the need for compliance with the National Flood Insurance Program (NFIP), which the City of Rochester is enrolled in. Failure on the part of the City to comply with the provisions of the NFIP, which are a part of the City's Zoning Code, could result in the City being expelled from the NFIP.

The structures and facilities associated with the Brooks Landing facility will be designed to be consistent with the intent of the standards and criteria of the National Flood Insurance Program (44 CFR Part 60). Using elevation 517.6 as the 100 year flood elevation from the FIS, the standards and criteria that apply to all new construction and substantial improvements include, but may not be limited to the following:

- In the case of residential construction, have the lowest floor (including basement) elevated to or above the 100 year flood level [44 CFR Part 60.3(c) (2)];
- In the case of non-residential structures, have the first floor (including basement) elevated to or above the 100 year flood level or be designed so that below the 100 year flood level the substructure is watertight with walls substantially impermeable [44 CFR Part 60.3(c) (3)];
- Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy [44 CFR Part 60.3(a) (3) (i)];
- Be constructed with materials resistant to flood damage [44 CFR Part 60.3(a) (3) (ii)];
- Be constructed by methods and practices that minimize flood damages [44 CFR Part 60.3(a) (3) (iii)];
- Be constructed with electrical, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding [44 CFR Part 60.3(a) (3) (iv)];
- Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway [44 CFR Part 60.3(d) (3)]. NYCRR Part 502.4(b)(5) states “No portion of the project including encroachments, fill, new construction or substantial improvements shall be placed within the regulatory floodway that would result in any increase in flood levels during the occurrence of the base flood discharge, except where the effects of flood levels, due to the lack of floodway capacity is completely offset by the creation of equal flooding hydraulic capacity at that point.”

4.2.2 Alternative 1 - No Action

Conversion Parcel

Direct Impacts – There are few measurable impacts to water resources (wetlands, floodplains, etc.) anticipated under the No Action Alternative. Stormwater in Sub-Area I would continue to be collected and conveyed directly to the Genesee River without treatment. This is and would continue to be detrimental to the water quality of the river, since stormwater collects pollutants from the roadways, parking lots, and other impervious surfaces.

Along the Genesee River, it is assumed that the retaining wall would be maintained. This would continue to protect the banks from erosion. The flood protection systems on the Genesee River would continue to protect the area from flooding.

There is a potential that the impacted soil and groundwater detected at Brooks Landing (see Section 3.2.11) would take some time to remediate, if at all, since additional investigations,

impetus and need, financing and approvals could all delay such work. Contaminated groundwater is likely impacting the quality of river, but at this time the intensity and rate of such impacts are not known. Such adverse impacts to water resources from this alternative could therefore range from moderate to major.

Cumulative Impacts – The existing condition of the site and the river is an accumulation of impacts from past events and practices. Under the No Action Alternative, nothing would be done to improve the adverse impact resulting from stormwater runoff at Brooks Landing. Since the NYSDEC has recently implemented the U.S. Phase II stormwater regulations, future actions by any entity should be developed to include treatment for stormwater runoff from impervious surfaces, thereby improving water quality of receiving waterways, including the Genesee River.

Replacement Parcel

Direct Impacts - At the replacement parcel, there would be no impacts to wetland and floodplain areas, and no changes to drainage or associated water quality in the adjacent Genesee River.

Indirect Impacts - There are no known indirect impacts to water resources from the alternative.

Cumulative Impacts - At the replacement parcel, the EA for the Genesee Riverway Trail Project shows that there would be an impact of approximately 388 square feet (SF) of wetland area by the installation of piers at the Turning Basin. It states that all structures, with the exception of the piles, will be located above the 100 year flood elevation and concluded the project will have no impact on the floodplain and will have no impact on floodplain management (Sear-Brown, 2004).

4.2.3 Alternative 2 - Brooks Landing Revitalization Project

Conversion Parcel

Direct Impacts – Small areas associated with the catch basins of South Plymouth Avenue within the 1.38-acre conversion parcel are below the 100 year floodplain elevation. The remaining elements of the proposed project (the public promenade, hotel, restaurant, associated parking, and development within Sub-Areas II and III) will have no impact on wetland areas, and are all well above the 517.6 100 year flood elevation and therefore are not within the floodplain or floodway.

At the Brooks Landing site, no portion of the 1.38 acre proposed conversion parcel is located within the floodway (Figure 50). The floodway at the site is located along the existing floodwall. However, based on the site's existing topographic mapping, the 100-year flood will inundate portions of the existing street around the catch basins of South Plymouth Avenue that drain directly to the river, thus very small portions of the conversion parcel are located within the 100-year floodplain. However, the filling of this floodplain area outside the floodway is negligible, since it includes only a few square feet of area around one or two of the existing catch basins in South Plymouth Avenue. Removal of this volume of flood plain storage is insignificant given the scale of the Genesee River floodplain.

The impacted soil and groundwater detected at Brooks Landing (see Section 3.2.11) would be remediated as part of the project. It should be noted that the project provides impetus and financing for this work to be accomplished. The cleanup of impacted groundwater would be a beneficial impact to the water resources in the area.

The site design will include permanent structural features for the treatment of the water quality volume in accordance with the NYS Stormwater Management Design Manual (Center for Watershed Protection, 2001).

The Brooks Landing area is relatively flat and lower than the surrounding adjacent area (except for the river channel) minimizing the risk of runoff and erosion to occur off-site. Surface runoff during construction would be controlled on site to prevent untreated discharge directly into the storm system or river. Stormwater would be controlled through the use of siltation fence and straw bale barriers located at inlets and at the downhill limits of earthwork/grading operations. Sedimentation basins will be utilized on-site to allow for suspended particles to settle from stormwater runoff prior to discharging into the storm system. The existing river wall and sidewalk would be maintained during the rough grading operations as a barrier and stabilization for the river channel.

An existing unfavorable condition will be eliminated by removing South Plymouth Avenue and the five (5) point discharges to the river associated with the road drainage system. Currently, all of the salt, oil, sediment and pollutants collected by the storm sewers are discharged with no treatment directly to the river. The proposed system addresses water quality as it pertains to the U.S. EPA Phase II stormwater rules. Pre-cast Stormwater Treatment Units (SWTU) are proposed to be utilized to address water quality treatment for stormwater runoff generated by impervious surfaces. This would result in improved runoff discharges from the development site. The addition of the stormwater treatment features would be a beneficial impact over Alternative 1 No Action.

Water service will be provided to the Brooks Landing Development via the City's treated water supply system and not via groundwater wells. The City's Water Bureau has been contacted to determine if it will be able to adequately supply the proposed development (see Appendix G). Based on preliminary information, there appears to be adequate supply. However, as final location and sizes of water services are determined for the developments, additional tests and calculations will be performed on the water system to confirm this or to determine the extent of necessary improvements, if required.

Indirect Impacts – The Brooks Landing Public Waterfront and Promenade proposes work along the west bank of the Genesee River to provide publicly accessible boat mooring. To provide adequate berthing space for the anticipated vessels, modifications of the Genesee River west riverbank and shoreline are required. This work will be located in the mapped riverine wetland area and in the floodway (see Section 3.2.2).

The location and elevation of the new marginal wharf system was determined based on the depth of the existing river wall and the river channel bottom. The proposed location (16 feet riverward

of the existing wall) significantly reduces the amount of dredging required for the design vessels (see Figures 10 and 11), which decreases the intensity of potential impacts to the Genesee River.

The top elevation of this structure will be between 515 and 517, approximately two to four feet above the normal pool elevation of the river, which is 512.9 feet. The area in the river in front of the new boat landing will be dredged and rock excavated to provide sufficient depth for approaching and moored vessels.

The design of the proposed bulkhead consists of a pile-support marginal wharf system. This is essentially a concrete slab extending 16 feet from the riverbank and supported by posts or piles located within the river. This system eliminates the need for fill into the river and minimizes the amount of dredging required to accommodate vessels.

The proposed dredge area is approximately 225 feet along the western bank of the Genesee River, extending out into the river approximately 40 feet. An area 1,000 to 1,200 square yards will be dredged to an average of 5 feet, resulting in an estimated 1,650 cubic yards of sediment.

Preliminary sampling of the river bottom was conducted at two locations as a preliminary screening evaluation to determine the physical properties of the material, and to evaluate the potential for contaminants that may be present in the dredge material (Bergmann Associates, 2003).

The preliminary sampling and testing program followed the guidelines contained in the NYSDEC Division of Water Draft Technical and Operational Guidance Series (TOGS) 5.1.9, Dredge Material Assessment and In-water or Riparian Dredge Material Management Guidance, dated 2001. The results of the field screening, laboratory analysis for physical parameters and chemical parameters indicated that no contamination at regulatory hazardous waste levels was present in the two composite river sediment samples. The analysis indicated that material dredged from the project area would meet NYSDEC recommended cleanup objectives and would be suitable for re-use as fill. The analysis also indicated that dredged material from the Brooks Landing project area meets the Class A threshold values indicative of no appreciable contamination (TOGS 5.1.9). The physical and chemical analysis indicates that dredged material would appear to meet the criteria for in-water or riparian disposal.

Dredge material disposal locations have not yet been identified at this preliminary stage of design. Alternative disposal sites will be investigated as the design progresses. Potential disposal sites include those owned by the Canal Corporation (by mutual agreement); the USACOE CDF in Lackawanna, and other yet to be specified facilities permitted for receipt of materials of the type at the site.

In assessing impacts to wetland areas, the proposed dredge area is approximately 225 feet along the western bank of the Genesee River, extending out into the river approximately 40 feet. This will disturb an area of approximately 9,000 square feet, or 0.2 acres. Of the 0.2 acres, approximately 0.18 acres is less than 2 meters deep and considered wetland and the remaining 0.02 acres is considered deep water habitat (over 2 meters). The characteristics of this deep water habitat (see Section 3.2.2) may be altered, but will remain at the conclusion of this work.

This impact is therefore considered to be temporary. Periodic maintenance (in the form of dredging) is expected to occur to maintain the navigability of the mooring area. It should be noted, however, that the wharf occurs adjacent to the navigation channel of the river/canal which is dredged periodically to maintain sufficient depth for navigation purposes. Also, as mentioned above, the proposed bulkhead consists of a pile-support marginal wharf system that is essentially a concrete slab extending 16 feet from the riverbank and supported by posts or piles located within the river. The shallow-water habitat will be impacted by the initial dredging activity, but will be capped with rip-rap and will not be disturbed further, since it will be preserved underneath the open structure that is supported by piles (the design preferred by the DEC during preliminary discussions). Stone riprap placed underneath the concrete wharf for slope stabilization provides better habitat for some aquatic species than the existing silted river bottom. The concrete slab will also provide more shade than currently exists (the riverbank has minimal vegetation to offer shade along this section of shoreline). However, due to the volume and flows of the river, the impact to the temperature would be immeasurable. The only permanent impact to the characteristics of this wetland area would be from the piles. This area is calculated to be 20 square feet. There is no compensation planned for this minimal wetland loss.

The evaluation of floodway impacts for the Brooks Landing Public Waterfront (which does occur within the conversion parcel) was performed using the preliminary design drawings for the proposed open-type marginal wharf design. The Brooks Landing project will modify approximate 250 feet of the west riverbank within the floodway of the Genesee River. The project plans and sections show the existing west bank and channel bottom within the project limits; the removal limits of existing channel bed and banks (including rock excavation in the channel bottom); and the proposed channel riprap and structural elements of the open-type wharf.

Since most of the 100 year floodplain limits and the floodway limits are essentially the same within the Brooks Landing project limits (the front face of the existing concrete capped masonry wall), and since all of the landing improvements are within the floodway, the more restrictive requirements concerning the floodway were applied to assess floodplain and floodway impacts. Following the NYCRR Part 502.4(b)(5) regulation, no portion of the project including encroachments, fill, new construction or substantial improvements shall be placed within the regulatory floodway that would result in any increase in flood levels during the occurrence of the base flood discharge, except where the effects of flood levels, due to the lack of floodway capacity is completely offset by the creation of equal hydraulic capacity at that point. Analysis of existing and proposed cross sections within the floodway and below the 100 year flood elevation of 517.6 shows that the removal quantity (of sediment, soil and bedrock) will be greater than the additional quantity of rock riprap, and the structural elements of the open-type wharf. Therefore, the open-type wharf design satisfies this portion of the NFIP and NYCRR Part 502 regulations

Both the NFIP and the NYCRR Part 502 regulations include provisions for construction within the floodway and floodplain. These generally cover the ability of the project features to withstand hydraulic forces (velocities, buoyancy), and periodic inundation, and applies to structural, mechanical and electrical features. Since the NFIP regulations are a part of the City of

Rochester Zoning Code, construction of the Brooks Landing facilities will need to meet these requirements.

Since surface water runoff in Sub-Areas II and III are collected and conveyed via the City's stormwater system, there would be no impacts to water resources from redevelopment in these areas.

Permits relating to water resources that will be required include:

- q USACE Section 404 Permit
- q NYSDEC Section 401 Water Quality Certification
- q NYSDEC Article 15 Stream Disturbance Permit
- q NYSDEC State Pollutant Discharge Elimination System (SPDES) Permit for Stormwater Discharges from Construction Activity
- q Floodplain Development Permit

The project is anticipated to increase the amount of watercraft utilizing that portion of the Genesee River. The increase is not projected to be large enough to cause adverse impacts to the river. Associated with the increase in use, the Canal Corporation will need to continue to periodically dredge the navigation channel in order to keep it open. Such impact would be temporary in nature with the conclusion that it would be minor.

Cumulative Impacts – The existing condition of the site and the river is an accumulation of impacts from past events and practices. The river is highly regulated for flood protection and erosion protection. Urbanization in the area has contributed a nationwide trend of pollution from stormwater runoff that is being addressed with implementation of the U.S. Phase II stormwater regulations. Future actions by any entity should be developed to include treatment for stormwater runoff from impervious surfaces, thereby improving water quality of receiving waterways, including the Genesee River. There are no foreseeable actions that would involve the habitat areas of the Genesee River itself.

Replacement Parcel

Direct Impacts - The designation of the replacement parcel as 6(f) parkland does not involve construction of man-made features within the floodplain, does not entice or require individuals to occupy the floodplain to a greater extent, and does not have the potential to adversely affect natural floodplain values.

Indirect Impacts - The designation of the replacement parcel as 6(f) parkland will not have an adverse impact on the wetlands located there. There would also be no change to surface water runoff at the replacement parcel.

Cumulative Impacts - At the replacement parcel, the EA for the Genesee Riverway Trail project shows that there would be an impact of approximately 388 SF of wetland area by the installation of piers at the Turning Basin. It states that all structures, with the exception of the piles, will be

located above the 100 year flood elevation and concluded the project will have no impact on the floodplain and will have no impact on floodplain management (Sear-Brown, 2004).

4.3 Impacts on Air

4.3.1 Alternative 1 - No Action

Conversion Parcel

Direct Impacts – There are some emissions from heating/cooling systems in occupied existing structures in the Brooks Landing Urban Renewal Plan (Sub-Areas II and III). These were not measured, but considering the age of the structures and their systems, it is judged that the emissions are more than those for newer systems. Under the No Action Alternative, such emissions would be expected to increase with increasing age of the systems. The rate of this increase could be minimized by maintenance.

Mobile sources of air emissions are associated primarily with the efficiency of motor vehicle traffic in the area. Generally, a poorer Level of Service (LOS) of traffic at intersections will be associated with higher air emissions (see Section 4.8).

As directed in the NYS Department of Transportation Environmental Procedures Manual (NYS Department of Transportation, 2001) the first step involved in screening a potential project for the need of an air quality analysis is referred to as LOS screening. In such screening, when the LOS for projected intersections is “C” or above, an air quality analysis is generally not required. All of the intersections associated with the project are currently operating at an LOS of “C,” with the exception of the weekday evening rush hour at the Elmwood Avenue/Genesee Street/Scottville Road intersection, which operates at an LOS of “D” and is not within the Brooks Landing site (see Section 4.8). This is an indication of higher motor vehicle emissions that would only get gradually worse with the projected increase in traffic under Alternative 1.

Indirect Impacts – Under the assumption of an increase in motor vehicular traffic of 2.0 percent per year (FRA Engineering, 2003) and no intersection improvements, the degradation of the Level of Service and associated increase in air emissions could extend to other intersections in the surrounding transportation system. It is difficult to discern whether this occurrence would occur as a result of the No Action Alternative or independently and concurrently to it.

Cumulative Impacts – The current air quality is a product of the past and current air emissions in the area. Air quality requirements of the Clean Air Act Amendment 1990, are implemented by the NYS Department of Transportation and as part of the SEQRA process. It is therefore assumed that other actions by any entity would be reviewed and regulated to preclude significant cumulative impacts.

Replacement Parcel

Direct Impacts - At the replacement parcel, there would be no impacts to air quality in the immediate vicinity.

Indirect Impacts - There are no known indirect impacts to air quality.

Cumulative Impacts - There are no sources of air emissions in the immediate vicinity of the replacement parcel to be considered in potential impacts to air quality other than the periodic train adjacent to the parcel or motor craft within the river.

4.3.2 Alternative 2 - Brooks Landing Revitalization Project

Conversion Parcel

Direct Impacts - All new building construction at Brooks Landing, including the proposed hotel and restaurant will employ high efficiency heating/cooling systems and state of the art emission control measures for all exhaust systems. Emissions are expected to remain below minimum air quality standards.

Mobile sources of air emissions include vehicles traveling either through the project area or destination oriented to the proposed amenities in the project area. Fixed emission sources can include boilers, incinerators, turbines, engines, etc. No fixed sources of emissions are anticipated in the proposed development. The operation of the proposed development will not generate any exhaust that would affect air quality.

The most significant source of air pollution in the site vicinity is most likely vehicular traffic on the surrounding transportation network. The amount of pollutants that motor vehicles emit into the atmosphere is influenced by many factors, including the speed of the vehicle, its operating mode, and the presence of emission controls. It is a function of the internal combustion engine that, as vehicle speed increases, carbon monoxide and hydrocarbon emissions decrease, while nitrogen oxide emissions increase. Upon completion of proposed roadway and intersection improvements to the transportation network, it is expected that the road system and associated intersections would be functioning at satisfactory levels of service ("C" or better) as described in Section 4.8. This means there is minimal time in which vehicles are idling and most subject to incomplete combustion. The Level of Service analysis includes the anticipated increase in motor vehicles at the rate of 2.0 percent per year (FRA Engineering, 2003).

Air emissions from within the Brooks Landing project area will likely increase temporarily during construction due to an increase in particulates from diesel exhaust emissions and construction vehicles. The movement of construction vehicles will also generate dust. Various construction activities themselves are also capable of generating dust, such as earthwork operations.

Watercraft utilizing the proposed berthing facilities will be seasonally limited. Riverboat excursions exist today within the project vicinity. The additional trips resulting from the presence of the new bulkhead/hotel/restaurant is not expected to produce a measurable impact to air quality within the project area.

Indirect Impacts – The intersection improvements associated with the project would provide improved Levels of Service for the project and for the surrounding area. This would be a moderate beneficial impact for air emissions in the surrounding area.

Cumulative Impacts –The current air quality is a product of the past and current air emissions in the area. Air quality requirements of the Clean Air Act Amendment 1990, are implemented by the NYS Department of Transportation and as part of the SEQRA process. It is therefore assumed that other actions by any entity would be reviewed and regulated to preclude significant cumulative impacts.

Replacement Parcel

Direct Impacts - The designation of the replacement parcel as parkland does not involve construction or the introduction of sources of air emissions to that area. There would therefore be no resulting adverse impacts to air quality.

Indirect Impacts – There are no known indirect impacts to air quality from the designation of the replacement parcel as 6(f) parkland.

Cumulative Impacts – There are not known cumulative impacts to air quality from the designation of the replacement parcel as 6(f) parkland.

4.4 Impacts on Plants and Animals

4.4.1 Alternative 1 - No Action

Conversion Parcel

Direct Impacts – Some vegetation is periodically removed from the base of the Brooks Landing river wall at the land/water interface by the City for routine maintenance operations associated with the Genesee Riverway Trail and to open scenic views to the river from the trail and South Plymouth Avenue (an objective from the Genesee River South Corridor Plan). The lawn area west of South Plymouth Avenue would continue to be mowed and maintained, along with the buffer areas of mature trees described in Section 3.2.4. There would therefore be no measurable change in the vegetation in the project area.

Indirect Impacts –There are no known indirect impacts to plants and animals from the alternative.

Cumulative Impacts – There are no known cumulative impacts to plants and animals from this alternative.

Replacement Parcel

Direct Impacts - There no known activities at the replacement parcel that would impact plants and animals.

Indirect Impacts – There are no known indirect impacts to plants and animals from this alternative.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project concludes minimal impact to fish and wildlife during construction of pier supports. There would be no permanent impacts. Disturbed vegetation would be replaced in kind (Sear-Brown, 2004).

4.4.2 Alternative 2 - Brooks Landing Revitalization Project

Conversion Parcel

Direct Impacts - The proposed hotel and restaurant at Brooks Landing will occupy a parcel of land currently occupied by South Plymouth Avenue and its sidewalks, the Genesee Riverway Trail, a lawn/open space area, and several mature hardwood trees. Most of the trees will be removed to accommodate the new construction and associated parking areas (see Figure 15). More specifically, the following tree removals from the project site are anticipated:

- (14) 4" cal. honey locust (planted as part of the pedestrian bridge and Riverway Trail project);
- (7) 11"-20" cal. maple trees
- (4) 11"-20" cal. oak trees
- (7) 11"-20" cal. ash trees
- (12) 11"-20" cal. deciduous trees (species unidentified)
- (2) 21"-30" cal. maple trees
- (3) 21"-30" cal. oak trees
- (1) 21"-30" cal. ash tree
- (9) 21"-30" cal. deciduous trees (species unidentified)
- (2) 31"-40" cal. oak trees
- (1) 46" cal. oak trees

Approximately 62 mature trees will be removed in addition to understory and shrub areas for the project. Approximately 26 of the 62 trees occur on the 1.38-acre conversion parcel.

The most intense adverse impacts to plants and animals of the conversion parcel at Brooks Landing would occur during construction and particularly during clearing and grading activities. While intense, this impact will be localized and of short duration in the context of the plants and animals along the Genesee River (and especially so in light of the remainder of the Genesee Valley Park to the south).

Upon completion of construction, new lawn areas and vegetation would be established. Wherever possible, plant material species would be selected to match the types presently found within the surrounding park. In addition, landscape plantings adjacent to the park boundary would be arranged to create a naturalized visual buffer from the proposed development and compliment the landscape character of the park. Thus, as the vegetation matures, impacts of construction would be mitigated over time.

As discussed in Section 3.2.4, there are no endangered or threatened species anticipated in the project area (nor conversion parcel), and therefore no potential for impact to these species. With any disturbed area there is a potential for the development of invasive plant species, such as those listed with the Invasive Plant Council of New York State (see <http://www.ipcnys.org/>). Following construction, the site would be stabilized and maintained such that such species would not be allowed to colonize and dominate any portion of the site.

Indirect Impacts – On the west portion of the project Brooks Landing area, a vegetated slope will also be cleared by re-grading activities and the installation of a retaining wall for the parking areas. All sidewalks and strip plantings that are removed during the construction phase on the site and on the associated street improvements will be replaced.

Some riverbank vegetation (within the 0.6 acre 6(f) land to remain as parkland) that has grown at the base of the river wall at the land/water interface will be removed for the construction of the new bulkhead structure. Riverbank vegetation removal will be limited to only the area receiving shoreline improvements for the new wharf landing, for river wall reconstruction, and for construction and river dredging access.

Upon clearing and grading, birds and animals would move to other areas. The number of individuals should be relatively small, and there is adequate habitat for species present in the adjacent neighborhood area, in Genesee Valley Park to the south, and along the wooded river shore to the north.

Since Sub-Areas II and III are already developed, plans for redevelopment are not anticipated to impact plants or animals.

Cumulative Impacts – There are no known cumulative impacts to plants and animals from this alternative.

Replacement Parcel

Direct Impacts - There would be no adverse impacts to plants and animals by the designation of the replacement parcel as 6(f) parkland. There would be a beneficial impact to plants and animals on the parcel through the protection from potential future actions afforded by this designation.

Indirect Impacts – There are no known indirect impacts to plants and animals from this alternative.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project concludes minimal impact to fish and wildlife during construction of pier supports. There would be no permanent impacts. Disturbed vegetation would be replaced in kind (Sear-Brown, 2004).

4.5 Impacts on Aesthetic Resources

4.5.1 Alternative 1 - No Action

Conversion Parcel

Direct Impacts – Under the No Action Alternative, the existing landscape and commercial uses will not be altered at Brooks Landing or at the replacement parcel. Over time, structures would tend to show wear, but general maintenance is assumed for this alternative. South Plymouth Avenue, a park road south of Brooks Avenue, will continue to function as a city arterial, which will continue to sever the east and west sides of this portion of the park with high-volume traffic as well as sever the neighborhood to the west from the Genesee River.

Indirect Impacts – There are no known indirect impacts to aesthetic resources from the alternative.

Cumulative Impacts – There are no known cumulative impacts to aesthetic resources from this alternative.

Replacement Parcel

Direct Impacts – There are no known activities that would impact the aesthetic resources of the replacement parcel.

Indirect Impacts – There are no known activities that would impact the aesthetic resources of the replacement parcel.

Cumulative Impacts – At the replacement parcel, the proposed Genesee Riverway Trail project would provide new views of the parcel to more people as they pass through. The EA for that project stated that the project will be designed to be a visually a subordinate element in the landscape and is not anticipated to have a negative effect on the visual resources within that project area (Sear-Brown, 2004).

4.5.2 Alternative 2 - Brooks Landing Revitalization Project

Conversion Parcel

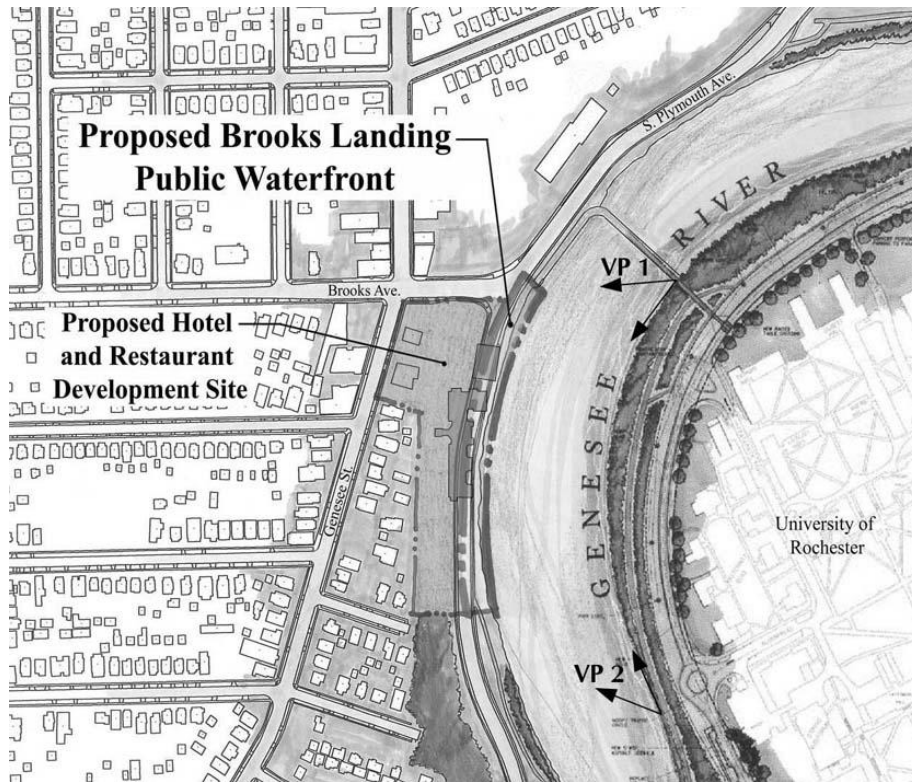
Direct Impacts - The proposed hotel and restaurant at Brooks Landing will occupy part of an existing road and open space comprising 1.38 acres of 6(f) parkland, and adjacent open space (the former canal/railroad right-of-way) (see Figure ES-5). The open space and 1.38 acres of 6(f) parkland with mature trees would be removed and replaced with the proposed one-story restaurant and four-story hotel. The adjacent 12-story Plymouth Gardens apartment building visually dominates the project area, particularly in views from the river and eastern shoreline (Figure 20).

Views from the Brooks Landing site would be improved and would provide new views of the river corridor to the north and south with the new marginal wharf system that would function as a viewing platform when not in use.

Traveling south on South Plymouth, the Genesee River South Corridor pedestrian bridge and landing on the east, and the mature stand of hardwoods on the Plymouth Gardens property on the west block all views of the project site/conversion parcel until the arrival at the Brooks/South Plymouth intersection. Views of the Brooks Landing project site from the south within Genesee Valley Park West are expected to be screened by the existing mature vegetation to remain, additional landscaping installed to screen the parking, and by the curved horizontal alignment of the existing park access road. The proposed parking layout along the southern portion of the project site has been configured to provide a generous landscape buffer which would be planted with a combination of hardwood (deciduous) trees and dense understory vegetation to screen views from the adjacent park (Figure 49). The plant material species within this landscape buffer would be selected to match the type found throughout the surrounding area and designed to reflect the natural context and character of the park. The proposed hotel will be visible to varying degrees from the rear yards of approximately 10 adjacent residences on the west that front Genesee Street. Existing vegetation to remain, as well as parking lot landscaping, will help to screen the building from full view.

The proposed hotel and restaurant siting, however, take advantage of the existing topography and are located near the low end of the site within the conversion parcel, minimizing the perceived height of the 4-story hotel. The rise in topography to the west of the hotel, the built environment along Genesee Street, and the narrow site configuration and shape of the hotel footprint minimizes potential visibility of the hotel from three sides – the north, west, and the south. The greatest potential visibility of the project (hotel) would be from the east, within the Genesee River or from the east bank, south of the pedestrian bridge (Figures 42 and 43). The vegetated east and west banks of the river and the developed Genesee Street corridor will effectively screen much of the development from the adjacent neighborhood and street network. In addition, proposed landscaping between the Riverway Trail and the hotel will, as it matures, continue to increase the screening of the buildings and mitigate their visual impact on the river corridor.

The hotel's riverside façade is proposed to consist of a stone cladding (stone color 'Staybridge') on the majority of the first three stories with an Exterior Finish Installation System (EFIS), a stucco type finish, in three shades of brown (dark – 'Cardamom', medium – 'Biscuit', and light – 'Edelweiss'), with a shingle roof system. The roof color will be selected to complement the building. The parking lot façade will be nearly identical (Figures 44 and 45). The photosimulations (Figures 42 and 43) depict an approximate built condition. The following map indicates approximate viewpoint locations.



Direct visual impacts from park patrons of Genesee Valley Park (south of Elmwood Avenue) will be negligible as the site will not be visible due to the geometry of the river, the viewing distance from the project site, and the presence of existing vegetation and the Elmwood Avenue Bridge which limit expansive views of the river corridor to the north.

The project will have a major visual impact within the section of river corridor between the pedestrian bridge and the Elmwood Avenue Bridge. The curvature of the river, the adjacent built environment and the rising topography to the west, and the vegetated river shores all help to limit the hotel's visibility from outlying adjacent areas.

The SEQRA Visual EAF Addendum is included as Appendix K.

Indirect Impacts – There is approximately 725 linear feet of a narrow band of existing riverbank vegetation within the project limit, of which 225 linear feet would be removed to accommodate a 175-foot boat dock/berthing structure. The remaining 500 linear feet of naturalized shoreline vegetation along this section of river would be protected and remain intact (Figure 49). -This will be a change from the current naturalistic river shore and park area but not inconsistent with the immediately adjacent commercial node of the Brooks/South Plymouth/Genesee Street intersection.

Cumulative Impacts – There are no known cumulative impacts to aesthetic resources from this alternative.

Replacement Parcel

Direct Impacts - There would be no adverse impacts to aesthetic resources by the designation of the replacement parcel as 6(f) parkland. There would be a beneficial impact to aesthetic resources on the parcel through protection from potential future actions afforded by this designation.

Indirect Impacts – There are no known indirect impacts to aesthetic resources from this alternative.

Cumulative Impacts – At the replacement parcel, the proposed Genesee Riverway Trail project would provide new views of the parcel to more people as they pass through. The EA for that project stated that the project will be designed to be a visually a subordinate element in the landscape and is not anticipated to have a negative effect on the visual resources within that project area (Sear-Brown, 2004).

4.6 Impacts on Historic and Archaeological Resources

4.6.1 Alternative 1 - No Action

Conversion Parcel

Direct Impacts – Under the No Action Alternative, there would be no changes that would have any impact on historic and archaeological resources beyond continued degradation with the passage of time. There would be no preservation, or actions to slow the natural deterioration of objects and structures over time. There would also be no restoration, reconstruction or rehabilitation of cultural resources under this alternative. There would also be no interpretive aids to help visitors recognize the historical significance of the area.

Indirect Impacts – There are no known indirect impacts to historic and archaeological resources from the alternative.

Cumulative Impacts – There are no known cumulative impacts to historic and archaeological resources from this alternative.

Replacement Parcel

Direct Impacts – There would be no adverse impacts to historic and archaeological resources resulting from this alternative.

Indirect Impacts – There are no known indirect impacts to historic and archaeological resources resulting from this alternative.

Cumulative Impacts – At the replacement parcel, the proposed Genesee Riverway Trail project was reviewed by the New York State Office of Parks, Recreation and Historic Preservation in its role as the State Historic Preservation Officer (SHPO). In a letter dated February 13, 2003, it

concluded that the project would have no impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places (Sear-Brown, 2004).

4.6.2 Alternative 2 - Brooks Landing Revitalization Project

Conversion Parcel

Direct Impacts – The April 2003 Cultural Resources Report (see Appendix H) documents potential cultural impacts from the Brooks Landing Revitalization Project by subarea designation as described in Section 2.2.

Subarea I (contains Conversion Parcel) - Cultural Resource Impacts

- Because there is a history of hotels on this site, the proposed land use is not in conflict with the inherent cultural legacy of the area.
- The hotel's scale will make it a significant visual and physical feature within the area. Even though there is precedent of a 12-story senior citizen's apartment building (Plymouth Gardens) directly across the street, the impact of a new hotel is substantial. The view down Brooks Avenue towards the river should be maintained. The impact of the hotel on this site, particularly for the adjacent residents, should be mitigated.
- The proposed entrance and parking lot will be built upon the footprint of the Genesee Valley Canal/Railroad. This will impact the recognition of this historic route in this area. This impact to the Genesee Valley Canal/Railroad footprint should be mitigated.
- The rear of the adjacent residential properties to the west should be considered in developing Subarea I. This adjacency and change in land use should be mitigated.
- The existing riverbank should be considered a cultural resource and disturbance should be mitigated.
- Approximately 2½ net acres of parkland/open space will be impacted at the north end of Genesee Valley Park. This impact should be mitigated. (It should be clarified that of those 2½ acres, 1.38 acres is 6(f) parkland – the conversion parcel – and the remaining acreage I City-owned vacant land).

Subarea I – Treatment Recommendations

There is a history of hotels on this site, and therefore the land use is not in conflict with the inherent cultural legacy. However, it is important that the new building be appropriate to its environment. Contextually, the proposed hotel will serve as the north termination of Genesee Valley Park West, and the south termination of South Plymouth Avenue. It will be a significant element along the west bank of the river, visible from the river corridor and the east bank. In addition there will be 10 residential properties that will abut the new development to the west. All of these adjacencies should be respected and addressed appropriately. Buildings in a designated rehabilitation area have the dual responsibility of being at once “differentiated from the old” and “compatible with the historic.” This creates the potential for a wide range of interpretations. In regards to the architecture of the hotel development, the following is offered:

- The scale, massing and proportions should be contextual to its surrounding buildings (note that the Plymouth Gardens apartment building is out of scale with its environment and it should not be viewed as an appropriate precedent);
- The materials and colors should be compatible with materials used on surrounding buildings; (such as the University of Rochester original campus buildings);
- Historical homage could be made, in or around the hotel, to the multiple hotels that once existed in this area;
- Buffering should be employed between the hotel parking lot and the adjacent residential properties;
- The proposed restaurant may provide an opportunity to mitigate/transition the scale of the hotel;
- Potential architectural precedents for the restaurant shell and scale could be the corner commercial buildings at Genesee Street and Brooks Avenue (the restaurant building could also serve to ‘bridge’ the aesthetic difference from the neighborhood buildings to the new hotel);
- Historical homage could be made, in or around the restaurant, to the history of the Castletown Tavern (a significant building of the Settlement Era that was believed to be the first tavern in the Genesee Region).

Based on the discussion in Section 3.2 .6, substantial site disturbance has occurred in Subarea I. Besides the previous disturbance to the site, the Sear-Brown report dated December 15, 2003 (see Appendix F) shows the extent of proposed cutting and filling for the hotel and restaurant. It documents that the current fill thickness ranges from one foot to ten feet below the surface. In addition, the site development calls for two feet to ten feet of additional fill on top of existing grade. It was concluded that the addition of the above-grade fill and the existing fill thickness make the potential for impacts to “native” material negligible.

As discussed in Section 3.2.6, the SHPO has determined that the site is eligible for inclusion on the National Register of Historic Places and has advised that the project will have an Adverse Effect as defined in Advisory Council on Historic Preservation regulations 36 CFR 800.5. A discussion of other alternatives in Section 2.4 concludes that there are no other reasonable alternatives that fulfill the purpose and need for the project. Therefore a Memorandum of Agreement (MOA) was developed between the National Park Service, New York State Historic Preservation Officer and the City of Rochester (see Appendix N). The MOA describes the stipulations to be implemented in order to mitigate the adverse effect of the parkland conversion. These stipulations include:

Park System-Wide Preservation Measures

1. The City will put the following additional parkland under Section 6(f) protection:
 - a 23.8-acre parcel of Genesee Valley Park on the east side of the Genesee River just south of Elmwood Avenue, and
 - the parkland conversion replacement parcel adjacent to Turning Point Park as described in the Environmental Assessment.

2. The parkland conversion replacement parcel adjacent to Turning Point Park will provide a compatible public resource amenity, be accessible to the public, and complement the existing park system design.
3. The City will survey those components of the Rochester City Park System more than 50 years old and revise its existing parks Management Plan to cite not only the System's historic nature and identify its character-defining components but also take into consideration the public benefit of preserving them. Based on the survey, the City will determine the appropriate measures for protecting those components in consultation with the SHPO.

Project-Specific Measures

1. As per the revised site plan included in the Environmental Assessment (EA) submitted to NYSOPRHP (c/o: Kevin Burns) on April 28, 2004, the City will:
 - retain existing mature trees and/or install additional plantings at the parcel's southern Plymouth Avenue edge;
 - ensure, through enforcement of the City's Zoning Code, that the developer will provide adequate vegetation within the restaurant parking lot as well as along the perimeter of the restaurant and hotel parking lots, and
 - ensure that the developer will provide additional and adequate vegetation on the southern end of the site adjacent to the remaining portion of the Genesee Valley Park as a buffer to the hotel parking spaces shown in that location.

Any plantings on the new site will be designed in such a way as to preserve the historic character of the adjacent parkland, with respect to the Olmstedian design principals that enhance the spatial character, preserve view sheds, and avoid inappropriate plantings.

2. The City will consult with the SHPO, through its site plan review process, regarding:
 - the proposed design, materials and colors for the proposed new hotel, restaurant and any other structures on the alienation/conversion parcel; a primary goal will be to provide similar designs or compatibility between the two structures, and
 - the final design and the materials and colors proposed for the pedestrian promenade and associated amenities along the Genesee River and South Plymouth Avenue.

The proposed design, materials and color for the proposed new hotel and restaurant, pedestrian promenade, and associated amenities along the Genesee River and South Plymouth Avenue should also be compatible with the historic character of the park.

The SHPO will respond to all submissions within 15 days, provided the City and/or NPS provide e-mail notice of the pending submission.

3. The Mayor will provide a letter to the OPRHP and the NPS confirming the City's already-stated commitment to refrain from ever taking additional Genesee Valley Park parkland

south of the current alienation/conversion parcel to Elmwood Avenue, on the west side of Genesee River.

4. The Mayor will distribute a memo to all departments reminding staff of Rochester's Certified Local Government (CLG) status, providing information about the reviews triggered by the involvement of state and federal agencies in any part of a project, and reinforcing the City's commitment to coordinate with the SHPO – including the need to consult with the SHPO early in a project's planning stages – under the CLG program and state and federal statutes. The City will coordinate with the SHPO on the information contained in the memo.

The National Association for Olmsted Parks was a consulting party for the Section 106 process.

Indirect Impacts –

Subarea II - Cultural Resource Impacts

- The corner of Genesee Street and Brooks Avenue is important for historical, contemporary and iconographical reasons. Any new development in this area should not disrupt the existing fabric of commercial and residential buildings along Genesee Street (particularly towards the north). Some of the buildings in Subarea II, although in a state of substantial disrepair, provide the scale and detail appropriate to the neighborhood. Impact to the established fabric of the neighborhood should be mitigated.
- There are six existing buildings in Subarea II. The most culturally significant is the building located at the northeast corner of Genesee Street and Brooks Avenue (954 Genesee Street). Impact to this corner building should be mitigated.
- The proposed development of Subarea II will encroach upon the footprint of the Genesee Valley Canal/Railroad. This will impact the recognition of this historic route in this area. The impact to the Genesee Valley Canal/Railroad footprint should be mitigated.
- No cultural impact regarding land features is anticipated in this subarea.

Subarea III - Cultural Resource Impacts

- The corner of Genesee Street and Brooks Avenue is important for historical, contemporary and iconographical reasons. Any new development in this area should not disrupt the existing fabric of commercial and residential buildings along Genesee Street (particularly towards the north). Some of the buildings in Subarea II and III, although in a state of substantial disrepair, provide the scale and detail appropriate to the neighborhood. Impact to the established fabric of the neighborhood should be mitigated.
- There are six existing buildings in Subarea III. The most culturally significant is the building located at the northwest corner of Genesee Street and Brooks Avenue (953 Genesee Street). Also of architectural significance is 943 Genesee Street. Impact to these buildings should be mitigated.
- No cultural impact regarding land features is anticipated in this subarea.

The Cultural Resources Report provides recommendations for treatment for the purpose of mitigating cultural resource impacts in accordance with the *Secretary of the Interior's Standards*

for the Treatment of Historic Properties (1966), including preservation, restoration, reconstruction and rehabilitation.

Subarea II and III Treatment Recommendations

The proposed entrance and parking lot will be built upon the footprint of the Genesee Valley Canal/Railroad. Recognition of this historic route in this area should be treated with respect. Therefore, in regards to the treatment of the Genesee Valley Canal/Railroad footprint, the following is suggested:

- Since the new entrance drive curb cut is within the approximate canal footprint, some form of marking in the landscaped areas flanking the drive could serve to recognize the historic boundary (they could doubly serve as a gateway element into the hotel property);
- Markings could also be installed across the street in Subarea II and at the south entrance drive to the hotel property to reinforce the historic canal/railroad boundary/alignment.
- The linear spatial footprint of the canal/railroad should be preserved by keeping permanent structures (buildings) outside the limits of the former canal bed.

The proposed docking facilities should minimize disturbance to the riverbank and existing retaining wall. Culturally, there is a history of boathouses in this vicinity. The following is recommended in regards to the treatment of the docking facilities:

- This area will serve as the north termination, and pedestrian entry point, of Genesee Valley Park West and its treatment should be integrated with the park aesthetically and functionally;
- The river walk path and new site furnishings should be of similar materials and aesthetics to those used in Genesee Valley Park (south) (it is recognized that there have been alterations to the park at the north end that do not necessarily reflect the aesthetics of the Olmsted design, however the docking facilities could draw from original features for inspiration, i.e. benches, pavers, stone walls, etc.);
- Homage should be made to the existence of multiple boathouses and historic docking heritage of this area (perhaps with an interpretive station describing the history of the Brooks Landing area in the new docking location);
- The treatment of the railing and landing to the docking facility is important as an entrance to the park (however it should be noted that Olmsted objected to ornate or monumental entrance gates).

The following are recommendations for treatment at the north end of Genesee Valley Park West:

- Early Olmsted plans indicate a path at this end of the park that looped back to the south. The north end of the park should have a path that loops back to the south to Elmwood Avenue (perhaps in the footprint of the Genesee Valley Canal);
- If a path is developed on the canal footprint, it is recommended that feeder trails connect to the residential streets to provide local pedestrian access to the park (it is recommended that such a path connection be created from Grandview Terrace per original park plans).
- Incorporate an historic/interpretive kiosk that highlights the parks origin and design by Olmsted in the public gathering area of the proposed waterfront promenade.

- Modify the remaining South Plymouth Avenue south of the project site to Elmwood Avenue to create a true park road. This modification would include narrowing the road and providing parallel parking spaces intermittently along the road.
- Provide a commitment to never alienate/convert the remaining portion of Genesee Valley Park West between the project site and Elmwood Avenue.

Cumulative Impacts – There are no known cumulative impacts to historic and archaeological resources from the alternative.

Replacement Parcel

Direct Impacts - There would be no adverse impacts to historic and archaeological resources by the designation of the replacement parcel as 6(f) parkland. There would be a beneficial impact to aesthetic resources on the parcel through protection from potential future actions afforded by this designation.

Indirect Impacts – There are no known indirect impacts to historic and archaeological resources resulting from this alternative.

Cumulative Impacts – At the replacement parcel, the proposed Genesee Riverway Trail project was reviewed by the New York State Office of Parks, Recreation and Historic Preservation in its role as the State Historic Preservation Officer (SHPO). In a letter dated February 13, 2003, it concluded that the project would have no impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places (Sear-Brown, 2004).

4.7 Impacts on Open Space and Recreation

4.7.1 Alternative 1 - No Action

Conversion Parcel

Direct Impacts – Under this alternative, the 1.38 acres of officially dedicated 6(f) parkland and the adjacent 1.39 acres of City-owned vacant open space property (formerly a canal/railroad right-of-way) would remain as the northernmost part of the City of Rochester's Genesee Valley Park West. This parcel of land would continue to offer the limited passive recreational value of greenspace/openspace, dog walking or jogging on the sidewalk located along the west edge of South Plymouth Avenue. South Plymouth Avenue would remain a dedicated park road being utilized as a principal urban arterial (see Section 3.2.8) and would continue to impact the passive uses of this section of park by the accompanying volume, noise and odor of traffic.

Indirect Impacts – There are no known indirect impacts to open space and recreation from the alternative.

Cumulative Impacts – There are no known cumulative impacts to open space and recreation resources from this alternative.

Replacement Parcel

Direct Impacts - The replacement parcel would remain as City-owned open space directly north of Turning Point Park with no legal access and no protection other than that afforded by the City's Zoning regulations.

Indirect Impacts – There are no known indirect impacts to open space and recreation from the alternative.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project states that the project's purpose is to enhance recreational potential of the adjacent Turning Point Park and the Genesee River (Sear-Brown, 2004).

4.7.2 Alternative 2 - Brooks Landing Revitalization Project

Conversion Parcel

Direct Impacts - The proposed development at Brooks Landing would require the discontinuance of 1.38 acres of dedicated 6(f) parkland (Figures 35 and ES-3) within the Genesee Valley Park West. This loss of 6(f) parkland would represent an approximate 0.17 percent loss to the overall 802-acre Genesee Valley Park. Figures 33 and ES-2, illustrates the relationship in scale of the greater park area to that of the proposed project and conversion site. Appendix L provides background materials regarding parkland alienation proceedings and a summary of the property descriptions and value conclusions of the land. No improvements, recreational or otherwise, exist on the 6(f) conversion parcel nor the adjacent vacant open space property.

A strip of 6(f) parkland immediately adjacent to the Genesee River (approximately 0.6 acres) would remain as 6(f) parkland (Figures 35 and ES-3). It is proposed that this land be developed into the Brooks Landing Waterfront and Promenade/Boat Landing. This parkland is located adjacent to the Genesee River for the entire length of the project development site and will connect at either end to the existing Genesee Riverway Trail. Therefore, there would be no break in the Genesee Riverway Trail system due to the project.

Adverse impacts to open space and recreation resulting from the project include the conversion of 1.38 acres of 6(f) parkland to private ownership. The City would no longer have the control over the parcel that it now has. Consideration was given for having the City retain ownership of the land, but it was not feasible for the hotel developer to construct the project under these circumstances. Potential changes in the use of that parcel would be speculative, but there would be potential for such changes to be adverse to open space and recreation. Such impact would be minimized by the City through its influence with planning and zoning and through the State Environmental Quality Review process.

The project would also open the area to a change in use for people and vehicles using the facilities at the development.

A clearly delineated sidewalk on the hotel site will extend from Genesee Street, between the hotel and restaurant, to the promenade. This sidewalk will be under easement to the City and is for public use 24 hours/day, 7 days/week. The sidewalk along the new Plymouth Avenue extension from Genesee Street to the waterfront will be improved with pedestrian enhancements to present a desirable and attractive link between the neighborhood and the waterfront. A cul-de-sac terminating South Plymouth Avenue within the park, south of the project site, has been added to the design to provide an appropriate termination for the park road. On-street parking along the cul-de-sac is included. During the planning process for Brooks Landing, the neighborhood expressed the desire to maintain, in some fashion, vehicular access through the site from the Brooks/South Plymouth intersection to the park south of the project site and Elmwood Avenue. In response to this, a driveway off the cul-de-sac is provided to the hotel parking lot. Non-park uses of South Plymouth Avenue south of the hotel site will be discouraged. There will be no hotel signage allowed at either Elmwood Avenue nor the driveway off the cul-de-sac. The park road will be signed 'No Through Traffic' as additional deterrent to cut-through traffic. In addition, the hotel operators and the University of Rochester will be instructed to utilize only the major travel routes when giving directions to potential hotel or restaurant patrons. Brooks Avenue offers the most direct and convenient route to the site from the airport and I-390 from the west.

There is also a potential for beneficial impacts to open space and recreation in the project area. This assumes that the design for the project would incorporate features that would minimize the potential negative impacts on the aesthetic quality of the area as discussed in Section 4.5.2. It also assumes the inclusion of features in the design such as landscaping, pavers and benches as an integral part of the pedestrian environment along the waterfront promenade.

Although there will be a loss of passive open space resulting from this project (1.38 acres of 6(f) parkland and 1.39 acres of adjacent City-owned open space), there is no shortage of open space for this section of the City. With Bausch and Lomb Riverside Park and Mt. Hope Cemetery across the river, Genesee Valley Park East and West, the Riverway Trail, and the open space of the river corridor, this area of the City is not lacking for open space or recreational resources. Instead of a loss of open space, the project could be viewed as the replacement of passive, underutilized open space with a different recreational resource in the form of a boat landing opening the Genesee River as a recreational resource and enhanced Riverway Trail, thereby increasing the variety and diversity of recreational resources for the neighborhood as well as the City at large.

The proposed amenities include a connection to the Genesee River South Corridor Pedestrian Bridge immediately north of the project area, a new public plaza, and boat mooring facilities. The proposed waterfront promenade and public plaza, in concert with the other proposed components of the Brooks Landing Urban Renewal Plan would help to diversify the City of Rochester's open space and recreation opportunities and provide a unique amenity along the Genesee River. The project will remove a portion of South Plymouth Avenue just south of Brooks Avenue. This closure will greatly reduce vehicular through-traffic in the park (average daily traffic of 12,438 trips), thereby enhancing the experience for pedestrian and recreation use of the existing park and the existing Genesee Riverway Trail for those who would prefer increased pedestrian traffic over vehicular traffic. In addition, the project will transform the

remaining portion of South Plymouth Avenue to Elmwood Avenue from an existing thoroughfare, to a true park road with a turn-around loop just south of the project site. Existing traffic on this portion of South Plymouth Avenue moves at speeds higher than what is found in typical urban parks. This traffic also generates visual and audible impacts throughout this portion of Genesee Valley Park West and across the Genesee River. The project will result in a reduction of traffic volume and speeds creating a safer environment for park and trail users.

The proposed parking facilities at the Brooks Landing site would provide access to the new facilities associated with the project, as well as to the Genesee Riverway Trail and Genesee Valley Park West south of the site as an incidental use for patrons of the hotel and restaurant. The proposed improvements would also accommodate access to the resources by boat via the Genesee River/Erie Canal. The parking spaces provided within the cul-de-sac terminating South Plymouth Avenue within the park will be available for public use to access the promenade, Riverway Trail, and boat landing.

The 1.38-acre conversion parcel, together with the adjacent 1.39-acre City-owned vacant land parcel consist of a portion of South Plymouth Avenue (a 36' wide asphalt roadway with sidewalks) and right-of-way lawn area with mature trees. The lawn area is narrow and linear in configuration, lying between South Plymouth Avenue and the backyards of residential properties that front Genesee Street. This linear strip of land is also divided along its length by a slope, creating two narrow terraces as the elevation drops from the upper level of the residences on Genesee Street to the lower level of South Plymouth Avenue. This configuration of open space does not lend itself to recreational uses beyond dog walking or jogging on the sidewalk located along the west edge of South Plymouth Avenue. It is more likely, however, that such activity would occur on the nearby Genesee Riverway Trail that occurs outside the conversion parcel boundary. Court and field sport opportunities are not feasible due to the small size and parcel configuration, topographical constraints, and not appropriate due to the immediate adjacency of residential land use. No recreational amenities or improvements currently exist on the site. No LWCF improvements exist on the 1.38-acre conversion parcel. The conversion parcel and the adjacent City-owned parcel are bordered on two sides by busy roadways that act as a barrier for access and which also limit their use for passive recreation due to traffic noise and exhaust. There is also little or no parking in the immediate area which limits potential access to the site. No critical or unique habitat exists on the site. The most valuable use of this land is the limited visual green space that is offered by the lawn area and mature trees on site.

The open space and recreational resources in the Brooks Landing project area would experience an adverse impact during construction of the project, since access would not be permitted for safety considerations. This impact would be temporary, and limited to a localized area. It is judged that overall the project will enhance recreational opportunities at Genesee Valley Park West, at Turning Point Park, and at the Brooks Landing Promenade location. The overall impact on open space and recreation would therefore be beneficial.

In Section 3.2.7, it was explained that the Brooks Landing site is a critical environmental area under the SEQRA process. This requires that proposals for actions involving CEA's are classified as Type I actions under SEQRA, which require a more stringent environmental review than Unlisted actions. This review has been conducted as concluded in Appendix B.

Indirect Impacts –The development would require the loss of 1.39 acres of adjacent city-owned vacant open space property.

The project will provide improved pedestrian access to the public waterfront and to Genesee Valley Park West. The pedestrian bridge spanning the Genesee River at the Brooks Landing site currently terminates on the west side onto a narrow 5' wide sidewalk along a busy intersection. The waterfront promenade will include a new public gathering area at this location, resulting in an enhanced pedestrian "gateway" into Genesee Valley Park West from the west side of the river and the Riverway Trail. In addition, two pedestrian walkways will link Genesee Street to the public waterfront and park. The first is a proposed enhanced walkway on the north end of the hotel and restaurant site that will link the intersection of Genesee Street and Brooks Avenue, to the waterfront promenade. The walkway will include enhanced amenities such as benches, trees, pedestrian lighting and textured paving surfaces. The second is a pedestrian walkway with easement that will link Genesee Street, through the hotel/restaurant development site, to the waterfront promenade. A pedestrian walkway within the remaining portion of Genesee Valley Park West just south of the project site, will link existing pedestrian access along the remaining portion of South Plymouth Avenue, to the waterfront as well.

With the proposed development in place, the remaining portion of Genesee Valley Park West to the south of the project site will be impacted in the following ways:

- The existing Genesee Riverway Trail is expected to have increased usage within and through the park. In light of improved access and amenities included as part of the proposed public waterfront promenade, it is anticipated that this location would yield the highest concentration of trail users between Brooks Avenue and Elmwood Avenue.
- In addition to increased recreational usage on the trail, it is expected that the project will generate an overall increased recreational usage of Genesee Valley Park especially in the area south of the Brooks Landing site and just south of Elmwood Avenue. Areas within the park adjacent to the Genesee Riverway Trail are also expected to have increased recreational usage.

In Sub-Area II, due to the solid or near solid edges along the west of the 0.9 acre open space (see Section 3.2.7), and the narrow curvature of the right-of-way, this open space is neither visible nor significant and will not be a loss to the visual open space of the area.

Cumulative Impacts – There are no known cumulative impacts to open space and recreation resources from this alternative.

Replacement Parcel

Direct Impacts - As replacement for the net loss of 6(f) parkland at Genesee Valley Park West, the City of Rochester has acquired 19.5 acres of undeveloped land adjacent to Turning Point Park along the Genesee River, effectively enlarging the 275-acre park by seven percent. The

proposed new parkland is shown in Figure 46, and a city-wide view of the proposed new parkland in relation to the Brooks Landing site is shown in Figures ES-1 and 47. The parcel is located along the river shoreline in the northern section (Sector 1) of the City of Rochester. This parcel was acquired by the City through foreclosure and is located immediately adjacent to and north of Turning Point Park. A CSX railroad and a residential neighborhood bound the land to the west, a land-locked 6(f) portion of Turning Point Park lies to the north, the Genesee River lies to the east, and Turning Point Park and industrial uses occur to the south. There exists no legal access onto the parcel and consequently the parcel is neither serving nor managed as public parkland or open space (see Appendix L, correspondence from the City of Rochester Parks Department).

The replacement land occurs adjacent to an enlargement of the Genesee River that formerly functioned as a turning basin for commercial watercraft from Lake Ontario. The property consists of forest vegetated sloped lands and flat wetlands along over 3000 linear feet of river shoreline. The west bank of the Genesee River in this area is steep (approximately 80 feet above the river) and densely wooded with mature hardwood upland species. The base of the slope is flat and supports a large emergent cattail marsh. The wetlands are both NYS DEC and US Army Corps-regulated wetlands.

The topography and cover of the site (wooded uplands, wetland areas, and open water) coupled with its size (approximately 14 times the area of the conversion parcel) and its direct adjacency to the Genesee River and Turning Point Park offer additional land-based as well as water-based recreational pursuits. The varied topography can allow for elevated, impressive scenic overlooks of the river valley as well as water-level vantage points at the valley bottom. Land-based activities can include expanded trail systems for hiking, dog walking, cross-country skiing, bird watching, and picnicking. Wetland-related activities could include hiking, bird watching, fishing, canoeing, interpretive/educational programming, and scenic viewing. Water-based activities can include boating, sailing, fishing, bird-watching, and scenic viewing of the river gorge from the water level. The spectacular deep river gorge, characteristic of the Genesee River north of the lower falls prior to its confluence with Lake Ontario, is not widely accessible to the public physically or visually, in the northern section of the City. This replacement parcel will provide additional public access to one of the region's most scenic natural resources.

The undeveloped nature of the site and its adjacency with Turning Point Park contribute to the wildlife habitat value gained by preserving large contiguous tracts of wild, undeveloped area. Preservation of natural landmarks such as the river gorge also contributes to the recreational, ecological, and educational value of the replacement land. Natural sites offer unique opportunities for education of the environment through interpretive trails and programming.

Additional information regarding the replacement parcel is included in Appendix L.

Indirect Impacts - The dedication of the 19.5 acres north of Turning Point Park as parkland will enhance the recreational and ecological value of Turning Point Park, the Genesee River corridor and its viewshed, and the City's overall park and recreation system.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project states that the project’s purpose is to enhance recreational potential of the adjacent Turning Point Park and the Genesee River (Sear-Brown, 2004).

4.8 Impacts on Transportation

4.8.1 Alternative 1 - No Action

Conversion Parcel

Direct Impacts – A capacity analysis was conducted for existing, no-build, and build scenarios based on traffic volumes, traffic peaking characteristics, and intersection geometry (see Appendix J). The five signalized intersections studied include:

- q South Plymouth Avenue/Brooks Avenue
- q South Plymouth Avenue/Elmwood Avenue
- q Brooks Avenue/Genesee Street
- q Genesee Street/Genesee Park Boulevard
- q Genesee Street/Elmwood Avenue/Scottsville Road

The analysis evaluates the ability of an intersection or roadway to accommodate traffic. Level of service (LOS) is a qualitative measure that describes motorist satisfaction with various factors influencing the degree of traffic congestion. These factors include travel time, speed, maneuverability, and delay. The level of service analysis methodology for intersections is documented in the Highway Capacity Manual (HCM) (Transportation Research Board, Washington D.C., 2000). Levels of service range from “A” to “F”. LOS “A” describes traffic operations with little or no delay while LOS “F” describes highly congested conditions with substantial delays. LOS “D” or better is generally considered acceptable for peak hours of traffic under urban and suburban conditions.

Currently, the signalized intersections operate at an overall LOS of “C” or better during each peak hour, with the exception of the Elmwood Avenue/Genesee Street/Scottsville Road intersection, which currently operates at an overall LOS of “D” during the weekday evening rush hour (see Table 4-3).

Under this alternative, the roadway and intersection improvements associated with the project would not take place. South Plymouth Avenue south of Brooks Avenue, which is dedicated as a park road, would continue to be used by the City as a principal arterial. There is a 2.0 percent per year increase in traffic projected in the FRA study (FRA, 2003). With an increase in traffic volume through these intersections, the LOS rating would become worse over time.

Indirect Impacts – Increased congestion at the intersections involved in the project would eventually impact adjacent intersections.

Cumulative Impacts – The impact of an overall growth in traffic volumes would combine with growth in other areas for a cumulative impact to traffic and transportation in an increasing geographical area.

Replacement Parcel

Direct Impacts - There no known activities at the replacement parcel that would impact transportation.

Indirect Impacts – There are no known indirect impacts at the replacement parcel under this alternative.

Cumulative Impacts - At the replacement parcel, the EA for the Genesee Riverway Trail project states that the trail is an off-road, non-motorized alternative component of the Lake Avenue arterial (Sear-Brown, 2004). As such, it will serve to enhance transportation in the area.

4.8.2 Alternative 2 - Brooks Landing Revitalization Project

Conversion Parcel

Direct Impacts – The modifications to City streets and intersections associated with the Brooks Landing project are described in Section 2.2. Transportation impacts primarily result from the realignment of the intersection of Brooks Avenue with South Plymouth Avenue and the closing of a segment of South Plymouth Avenue south of Brooks Avenue. This section of South Plymouth Avenue is categorized as a park road and will not require formal abandonment procedures.

The proposed hotel and restaurant development are expected to contribute approximately 1,477 trips per day (includes in-bound and out-bound) to the street system in the Brooks Landing project area. Approximately 12% of the site-generated traffic is anticipated to originate from the north, 25% from the south, 35% from the east, and 28% from the west.

Tmodel software was used with the 1998 Updated Genesee Transportation Council's (GTC) Regional Model to determine traffic pattern distribution percentages as a result of severing South Plymouth Avenue (between Brooks Avenue and Elmwood Avenue) and the subsequent intersection modifications associated with this change. Traffic volume counts were performed within the affected project area up to February 2003 in order to validate the older information. Updated traffic counts did indeed validate the GTC's model. A revised SYNCHRO analysis was also performed which is contained in the FRA study.

Based on FRA Engineering's interpretation of the model outputs, the severing of South Plymouth Avenue has the potential to produce a major localized impact. The projected volume increases range from 40 to 60% along Elmwood Avenue, Genesee Street, and Brooks Avenue. These increases are a direct result of motorists rerouting themselves to their original destination. The model clearly depicts that motorists would not travel out of the local area to obtain their original destination. Traffic patterns would remain relatively consistent with the existing

condition (South Plymouth Avenue in place), except for the obvious changes in travel patterns along Elmwood Avenue, Genesee Street, and South Plymouth Avenue as a result of severing South Plymouth Avenue.

To evaluate the implications of abandoning South Plymouth Avenue from Brooks Avenue to Elmwood Avenue and developing Brooks Landing, the operating capacity of both signalized and unsignalized intersections located within the project area were studied.

The abandonment of South Plymouth Avenue will require westbound motorists on Elmwood Avenue or southbound motorists on South Plymouth Avenue to bypass South Plymouth Avenue between Brooks Avenue and Elmwood Avenue, and use Genesee Street, Brooks Avenue, and Genesee Park Boulevard for destination points outside of the study area. Rerouting this traffic will place additional strain on an already taxed system at the Genesee Street/Elmwood Avenue/Scottsville Road and Genesee Street/Genesee Park Boulevard intersections. Motorists will also experience additional delay at the Genesee Street/Brooks Avenue intersection as well.

Once the proposed development is complete, including the abandonment of a segment of South Plymouth Avenue and realignment of South Plymouth and Brooks Avenue, the Elmwood Avenue/Genesee Street/Scottsville Road and the Genesee Park Boulevard/Genesee Street intersections are predicted to fail during weekday evening rush hour. However, with the implementation of several proposed intersection improvements, all intersections located in the study area are projected to operate at an overall LOS of “C” or better (see Table 4-3). The proposed intersection improvements, or mitigation measures, would include:

1. An exclusive northbound right turn lane on Genesee Street at Brooks Avenue.
2. A median on the Plymouth Avenue extension to Brooks Avenue to allow for only right turns in and out of the access drives in that area.
3. Lane reconfiguration at the affected intersections to alter the allowed turning movements to move traffic through the intersections more quickly and efficiently.
4. New signalization at the intersections of Scottsville Road/Elmwood Avenue/Genesee Street; Genesee Park Blvd/Genesee Street and Brooks Avenue/Genesee Street. This will move traffic more efficiently through those intersections.
5. Striping of the intersections and specialized signaling to safely and efficiently allow pedestrians to move through the intersections.

The LOS was evaluated for the following conditions:

- q Existing Conditions
- q Modified Conditions – The abandonment of South Plymouth Avenue and rerouting of existing vehicular traffic.
- q Future Conditions w/o Improvements - The abandonment of South Plymouth Avenue and rerouting of future vehicular traffic and Brooks Landing development traffic.
- q Future Conditions w/ Improvements - The abandonment of Plymouth Avenue and rerouting of future vehicular traffic and Brooks Landing development traffic including proposed mitigation measures.

Table 4-3 shows the overall results of the analysis for signalized intersections. More detailed results are shown in Appendix J.

Table 4-3. Peak Hour Level of Service Summary for Signalized Intersections.

Approach	Existing Conditions		Modified Conditions		Future Conditions w/o Improvements		Future Conditions w/ Improvements	
	AM	PM	AM	PM	AM	PM	AM	PM
Elmwood Ave @ Plymouth Ave	B	C	A	A	A	A	A	A
Elmwood Ave @ Genesee St	C	D	D	F	D	F	B	B
Genesee St @ Genesee Park Blvd	B	B	C	D	D	E	B	C
Brooks Ave @ Genesee St	B	B	B	C	B	C	B	C
Brooks Ave @ Plymouth Ave	B	C	-	-	-	-	-	-

Source: FRA Engineering, P.C., January 2003

The proposed mitigation measures to be incorporated into the project prior to construction of the hotel/restaurant development include:

1. An exclusive northbound right turn lane on Genesee Street at Brooks Avenue to accommodate the additional traffic from what is now South Plymouth Avenue.
2. A median on the South Plymouth Avenue extension to Brooks Avenue will be constructed to allow for only right turns in and out of the access drives in that area.
3. Lane reconfiguration at the affected intersections to allow turning movements that moves traffic through the intersections more efficiently.
4. New signalization at the intersections of Scottsville Road/Elmwood Avenue/Genesee Street; Genesee Park Blvd/Genesee Street and Brooks Avenue/Genesee Street to move traffic more efficiently through those intersections.
5. Striping of the intersections and specialized signaling to safely and efficiently allow pedestrians to move through the intersections.

The long-term impacts would therefore be beneficial, in that once the improvements have been completed, the overall LOS would improve from what it is now, and from what it would be in the future under the No Action Alternative.

There will be no negative impacts to the traffic within the project area. Following development of this project, with the proposed intersection improvements noted above, the street system surrounding the project area will be enhanced and improve the traffic flow from its current condition and under the future no-build alternative. The neighborhood understands the roadway/intersection improvements will not result in added congestion for the surrounding street network. It is understood that traffic volumes may increase but the improved intersection geometry and signalization will help relieve existing congestion (see the April 14, 2004 letter from Sector 4 Community Development Corporation, Appendix M).

The most intense adverse impacts on transportation will occur during construction at the Brooks Landing site and for the associated street improvements. Traffic may be delayed or detoured temporarily to accommodate the construction. The impacts from construction would be temporary.

Indirect Impacts – The improvement in the associated intersections would improve the transportation system for adjacent parts of the City as well as the project area. Beneficial impacts will also be realized to air quality and noise as a result of the improvements (see Sections 4.3.2 and 4.10.2).

Cumulative Impacts –there are no known cumulative impacts resulting from this alternative.

Replacement Parcel

Direct Impacts - There would be no impacts to transportation by the designation of the replacement parcel as parkland.

Indirect Impacts –there are no known indirect impacts resulting from this alternative.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project states that the trail is an off-road, non-motorized alternative component of the Lake Avenue arterial (Sear-Brown, 2004). As such, it will serve to enhance transportation in the area.

4.9 Impacts on Energy

4.9.1 Alternative 1 - No Action

Conversion Parcel

Direct Impacts – Under this alternative, the existing facilities at Brooks Landing and at the replacement parcel would continue to use energy for heating and cooling at the current rate. With no change in energy usage, there would be no impact to energy. Energy used for motor

vehicles in the area would increase with the 2.0 percent per year increase in vehicles estimated (FRA Engineering, 2003).

Indirect Impacts – There are no known indirect impacts to energy from the alternative.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project states that the trail is an off-road, non-motorized alternative component of the Lake Avenue arterial (Sear-Brown, 2004). As such, it will not utilize energy sources.

Replacement Parcel

Direct Impacts - There would be no change to energy usage at the replacement parcel and therefore no impacts.

Indirect Impacts - There would be no change to energy usage at the replacement parcel and therefore no impacts.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project states that the trail will not result in the increased use of fossil fuel energies as it is designed as a non-motorized pedestrian and bicycle trail (Sear-Brown, 2004).

4.9.2 Alternative 2 - Brooks Landing Revitalization Project

Conversion Parcel

Direct Impacts - The proposed development at Brooks Landing is not expected to put extraordinary additional demands on the city's utility infrastructure. A letter from Rochester Gas and Electric (providers of gas and electricity) is included as Appendix G. RG&E indicates that the proposed development's utility demands can likely be met within the current system operations, but that further inquiry must be made once site development plans have been finalized.

Some of the electrical usage that has been estimated for the project includes:

Hotel	Estimated yearly amount 769,968 kwh (480/277V; 3,000 amp; 3 Phase; 4 wire).
Restaurant	Estimated yearly amount 576,000 kwh (480/277V; 3,000 amp; 3 Phase; 4 wire).
Promenade	Minimal usage anticipated

The changes in traffic patterns and intersection efficiency discussed in Section 4.8 would have a direct beneficial relationship to the use of energy by motor vehicles.

The most intense impacts would occur during construction and therefore be localized and temporary. , The use of construction equipment would utilize energy at a greater rate. Such impact would also be localized and temporary.

Indirect Impacts – There would be an increase in energy usage by watercraft attracted to the site following completion of construction. This increase in usage is expected to be minor in the context of all the energy usage in the area.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project states that the trail will not result in the increased use of fossil fuel energies as it is designed as a non-motorized pedestrian and bicycle trail (Sear-Brown, 2004).

Replacement Parcel

Direct Impacts - There would be no impacts to energy by the designation of the replacement parcel as 6(f) parkland.

Indirect Impacts - There would be no change to energy usage by designation of the replacement parcel to parkland and therefore no impacts.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project states that the trail will not result in the increased use of fossil fuel energies as it is designed as a non-motorized pedestrian and bicycle trail (Sear-Brown, 2004).

4.10 Impacts on Noise and Odors

Conversion Parcel

4.10.1 Alternative 1 - No Action

Figure 36 provides examples of common noises in dBA units, and may be helpful for comparison in this analysis.

Direct Impacts – Under this alternative, there would be no changes in noise levels, so the ambient noise levels at Brooks Landing and can be expected to be approximately 55 to 60 dBA (characteristic of daytime urban noise levels). To generate an increase of 3 dBA for moving sources (traffic), the existing traffic would need to be doubled. At the rate of a 2.0 percent increase in traffic per year, this would take 25 years. Noise levels less than 3 dBA are considered imperceptible to the human ear. It may therefore be concluded that there would be no perceptible impact on noise for this alternative. The existing ambient noise levels would continue to be an impact to the current passive use of the park.

There are no known sources of objectionable odors affecting the project area on a regular basis, other than the existing traffic at Brooks Landing. This source would continue to increase as traffic volumes increase on the park road while it functions as an arterial.

Indirect Impacts – There are no known indirect impacts from noise or odors from the alternative.

Cumulative Impacts –There are no known cumulative impacts of noise or odors from the alternative.

Replacement Parcel

Direct Impacts – Under this alternative, there would be no changes in noise levels expected, therefore the ambient noise levels would be expected to be between 35 to 45 dBA, characteristic of daytime rural/suburban noise levels, except for the occasional train or motor craft in the river.

Indirect Impacts –There are no known indirect impacts from noise or odors from the alternative.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project states that construction activity will increase temporarily the ambient noise during the construction period (Sear-Brown, 2004). Since it is a non-motorized pedestrian and bicycle trail, there should be no long-term increase in the ambient noise levels.

4.10.2 Alternative 2 - Brooks Landing Revitalization Project

Conversion Parcel

Direct Impacts – Noise impacts can occur from moving sources (traffic) or point sources (fixed construction activities). All noise levels referred to are A-weighted. The A-weighted sound level, measured in decibels (dBA), corresponds to the tendency of the human ear to discriminate against low frequency sounds, and is often employed in decibel measurements of community noise.

Ambient noise levels within the Brooks Landing area can be expected to be approximately 55 to 60 dBA (characteristic of daytime urban noise levels) (see Figure 36). Acceptable decibel ranges fall within the mid-60's. To generate an increase of 3 dBA for moving sources (traffic), the existing traffic would need to be doubled. According to the traffic study, there will only be an increase of 40% to 60% for the Genesee Street section that will receive the by-pass traffic from the severed South Plymouth Avenue. Therefore, the ambient noise levels will experience less than a 3 dBA increase post development, and noise levels less than 3 dBA are considered imperceptible to the human ear.

Assessment of Existing Level Increases*

Noise Level Increase (dBA)	Expected Community Response
• Less than 6	• No observed reaction
• 6 to 10	• From no observed reaction to sporadic complaints
• 11 to 15	• From sporadic complaints to widespread complaints
• Greater than 15	• Widespread complaints and possible community action

**National Cooperative Highway Research Program*

For construction-related activities, potential sensitive noise receptors include the residential neighborhood to the southwest (adjacent to the hotel/restaurant site), Plymouth Gardens Apartments to the north, and student fraternity housing on the University of Rochester's River Campus across the Genesee River to the east. The distance to adjacent residences ranges from approximately 35 feet to 115 feet from the nearest point (hotel parking lot construction). For fixed or point sources, as the distance is doubled, the sound level drops by 6 dBA. Construction activity noise can vary greatly depending on the type of activity (earthmoving, paving, drilling, framing, etc.). A diesel truck at 50 feet can generate a 90 dBA sound level. At 100 feet away that would drop to 84 dBA, and at 200 feet to 78dBA. Differences in topography and elevation factor into the actual sound level perceived, and a steep slope, similar to that on the west edge of the project site, can help mitigate sound levels similar to the way a noise barrier functions.

Noise will be heard outside of the project area during construction. Noise will result from normal construction activities including caisson drilling, earth moving and excavation, trucking, and other standard building activities. No noise is anticipated to be heard outside of the project area after construction.

Food odors will be produced by the restaurant operations to some degree. It is expected that the odors generated will be localized and not objectionable in nature.

Indirect Impacts – By severing South Plymouth Avenue in the project vicinity, the traffic levels along the river will be decreased, likely leading to a decrease in ambient noise generated in the project area. Noise levels from increased boat traffic are expected to be negligible. As this section of the river is part of the NYS Erie Canal system, it is subject to canal speed limits of 10 mph. The slower speeds of the excursion and recreational boaters will keep the engine noise levels at a minimum.

Replacement Parcel

Direct Impacts - There would be no increase in noise and odors by the designation of the replacement parcel as parkland.

Indirect Impacts –There are no known indirect impacts from noise or odors from the alternative.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project states that construction activity will increase the ambient noise during the construction (Sear-Brown, 2004). Since it is a non-motorized pedestrian and bicycle trail, there should be no long-term increase in the ambient noise levels.

4.11 Impacts on Public Health

4.11.1 Regulations and Policies

New York State Department of Environmental Conservation regulations require management of hazardous and non-hazardous solid waste as contained in 6 NYCRR Parts 371-376 and 6 NYCRR Part 360, respectively.

4.11.2 Alternative 1 - No Action

Conversion Parcel

Direct Impacts – Under the No-Action Alternative, there is a potential that the impacted soil and groundwater detected on the Brooks Landing site (see Section 3.2.11) would take some time to be remediated, since additional investigations, impetus or need, financing and approvals could all delay such work. Contaminated groundwater could be impacting the Genesee River (see Section 4.2), and could continue for some time. The cleanup efforts would be accelerated should evidence that such contamination poses an immediate threat to public health. The intensity of the potential impact to public health would therefore be estimated as a range from moderate to major.

Indirect Impacts – There are no known indirect impacts to public health from the alternative.

Cumulative Impacts – There are no known cumulative impacts on public health from this alternative.

Replacement Parcel

Direct Impacts - At the replacement parcel, there would remain no access by the public to any potential hazardous materials.

Indirect Impacts – There are no known indirect impacts to public health from the alternative.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project recommends a Phase II investigation along the railroad (which is west of the replacement parcel and not part of it) (Sear-Brown, 2004). There is no dredging proposed for the turning basin, so no further investigation is recommended.

4.11.3 Alternative 2 - Brooks Landing Revitalization Project

Conversion Parcel

Direct Impacts – Section 3.2.11 documents the investigative activities and remediation work conducted in Sub-Area I. As part of the Corrective Action Plan (CAP) for the REDCO parcels measures were implemented for health and safety monitoring during construction, preparation of a written Health and Safety Plan (HASP) and development of management plans for the handling of impacted materials.

Portions of the proposed work tasks for the parcels along the Genesee River are inherent with the proposed redevelopment activity for this area. The CAP for this work will include provisions for worker and community health and safety, provisions to minimize adverse impacts to the environment and for monitoring to be conducted during work activities.

In following the provisions and procedures summarized, there should be no adverse impact to public health from the project. Besides the wastes discussed above, there is always a potential for temporary and localized adverse impact to construction workers and the public from construction activity. Proper safety measures and adherence to any CAP will serve to minimize such potential.

Indirect Impacts – In Sub-Areas II and III, the recognized environmental conditions present potential impacts to future site development, impacts to workers and to the community and possible impacts to the environment. Future development in these areas will need to develop investigative programs to identify the type and extent of impacted areas, evaluate impact to subsurface soil and/or groundwater and to develop appropriate remediation and management plans. Provisions will be established to ensure the health and safety of workers at the site, to protect the community and to minimize impacts to the environment.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project recommends a Phase II investigation along the railroad (which is west of the replacement parcel and not part of it) (Sear-Brown, 2004). There is no dredging proposed for the turning basin, so no further investigation is recommended.

Replacement Parcel

Direct Impacts - There would be no risk to public health by the designation of the replacement parcel as parkland.

Indirect Impacts –There are no known indirect impacts to public health from the designation of parkland for the replacement parcel.

Cumulative Impacts – At the replacement parcel, the EA for the Genesee Riverway Trail project recommends a Phase II investigation along the railroad (which is west of the replacement parcel and not part of it) (Sear-Brown, 2004). There is no dredging proposed for the turning basin, so no further investigation is recommended.

4.12 Impacts on Growth and Community Character

4.12.1 Regulations and Policies

In 1994, President Clinton issued Executive Order 12898 (EO) directing every federal agency to make environmental justice part of its mission. The Executive Order directs federal agencies to assess whether their actions have disproportionately high and adverse human health or environmental effects on minority and low-income populations. The fundamental principles of environmental justice are:

- 1) To avoid, minimize, or mitigate disproportionately high and adverse human health or environmental effects, including social and economic effects, on minority populations and low-income populations.

- 2) To ensure the full and fair participation by all potentially affected communities in the decision-making process for federally funded projects.
- 3) To prevent the denial of, reduction in, or significant delay in the receipt of benefits by minority populations and low-income populations.

The EO requires consideration of the needs of those households that have traditionally been underserved by federally-funded projects, particularly low-income and minority households.

4.12.2 Alternative 1 - No Action

Section 3.2.12 of Chapter Three of this document provides information about multiple aspects of Sector 4's community character. When considering the No Action Alternative, one must consider that this alternative would continue an established trend of the current state of the Sector 4 neighborhoods.

Conversion Parcel

Direct Impacts

The current state has been characterized as "poorly defined" and "rundown" in the 1986 Lane, Frenchman and Associates "Genesee River South Corridor Land Use & Development Plan." As such, the No Action Alternative would quite likely result in continued urban decay of the Brooks/Genesee area and an underutilized waterfront space. The direct impacts of this Alternative would result in a continuation of the current neighborhood trends, including population decline, increased crime, increasing building vacancies and abandonment, and increased segregation of residents by race and income.

Indirect Impacts

The Brooks Landing Revitalization Project represents a City-sponsored investment intended to spur additional economic development in the area surrounding the project. Indirectly, the No Action Alternative could result in continued disinvestment from other developers and investors while development and redevelopment progress in other areas of the City of Rochester and suburban areas.

Cumulative Impacts

The cumulative impacts of the No Action Alternative on the Growth and Community Character of the area could potentially influence and combine with a lack of development in other areas of the City and increase the overall public perception that a larger area of the City is undesirable and unsafe for residents, commercial establishments, and tourists.

The No Action Alternative is unattractive because it compliments neither the City's Comprehensive Plan nor local residents' objectives for the project area, and reinforces negative trends occurring in the surrounding neighborhood.

Replacement Parcel

Direct Impacts - Under the No Action Alternative, the replacement parcel would remain as an isolated, inaccessible parcel.

Indirect Impacts –There are no known indirect impacts on growth and community character from the alternative.

Cumulative Impacts -

4.12.3 Alternative 2 - Brooks Landing Revitalization Project

Conversion Parcel

Direct Impacts

The Brooks Landing Revitalization Project will have many positive benefits for the surrounding Brooks/Genesee area. Although the neighborhood may experience temporary inconvenience by construction, the overall result of the project will be \$18 million of public and private investment in the neighborhood. The hotel project is estimated to create approximately 90 jobs during construction and 25 permanent jobs in addition to the jobs that will be created by the restaurant and future development in Sub-Areas II and III. The proposed development would also serve to create use for several underutilized properties adjacent to the Genesee River, as well as revitalize a portion of the Erie Canal.

Another direct impact would be the fulfillment of several objectives of the City's adopted "Rochester 2010: The Renaissance Plan," which outlines key strategies for the revitalization of such City neighborhoods. These objectives are listed in Chapter 1, Section 1.3 (Purpose and Need Statement).

As stated in Section 3.2.12, the percentage of non-white racial minorities in the Brooks Landing area who will be affected by this project is higher than the average percentage of county and state non-white racial minority population. The percentage of low-income households is lower than the county and statewide percentage. The percentage of Hispanic or Latino individuals is lower than the county and statewide percentage.

While the impacted residents represent a high percentage of racial minorities, the community views this project as an investment in their neighborhood which will spark additional economic development and neighborhood revitalization. Throughout the planning process, public involvement has been solicited from residents, business owners and public officials, as demonstrated by the material included in Appendix B. The project is also supported by all of the major neighborhood organizations, including the Sector 4 CDC, the 160 businesses represented by the Genesee Corridor Business Association and the 19th Ward Community Association.²

² Democrat & Chronicle articles, November 16, 2003 " \$17.2 million riverside development on horizon" and August 12, 2002 "River plan promoted at Brooks, Genesee"

Therefore, it can be concluded that this action will not have a disproportionately high and adverse human, health, or environmental effect on minority or low-income populations in the vicinity of the conversion parcel.

Indirect Impacts

The indirect impacts of the project are anticipated development through private investment in other parts of the Brooks/Genesee neighborhood, further fulfilling the goals of the Sector 4 Brooks/Genesee Revitalization Committee, as well as the City's Comprehensive Plan.

Cumulative Impacts

The beneficial impacts of the project would combine with other revitalization efforts in the area and in the City. The impact of the project would contribute to the growth and community character of the area and could result in additional private investment in the neighborhood, thereby increasing the number of jobs in the neighborhood and sustaining neighborhood stability and increasing desirability for homeownership.

The Brooks Landing Revitalization Project will have many positive benefits for the surrounding Brooks/Genesee area. It compliments both the City's Comprehensive Plans and residents' vision for the neighborhood.

Replacement Parcel

Direct Impacts - The designation of the replacement parcel as 6(f) parkland would support the Rochester Renaissance 2010 Plan as well as the Local Waterfront Revitalization Plan to provide access to the Genesee River and recreational opportunities in the northern part of the City. The parkland will provide an overall shared benefit to all residents of the City, with no negative impacts to any particular racial populations or social groups.

As stated in Section 3.2.12, the percentage of non-white racial minorities near the replacement parcel who will be affected by this project is lower than the average percentage of county and state non-white racial minority population. The percentage of low-income households is lower than the county and statewide percentage. The percentage of Hispanic or Latino individuals is lower than the county and statewide percentage. Therefore, it can be concluded that this action will not have a disproportionately high and adverse human, health, or environmental effect on minority or low-income populations near the replacement parcel.

Cumulative Impacts - At the replacement parcel, the Genesee Riverway Trail project would make the parcel and river more accessible to the public, and enhance the property values in that area. The EA for the project states that the Rochester 2010 Renaissance plan as well as the LWRP endorse the development of a comprehensive non-motorized multi-use trail system along the Genesee River waterfront to support the planned enhancements to Ontario Beach Park, Charlotte Harbor and the Port of Rochester (Sear-Brown, 2004). The parkland will provide an overall shared benefit to all residents of the City, with no negative impacts to any particular racial populations or social groups. Therefore, the impact on growth and community character can be considered positive.